

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JESSE A. LUTHER,)	
)	
Plaintiff,)	
)	
v.)	No. 1:20-cv-00083-JPH-MJD
)	
B. RUST, et al.,)	
)	
Defendants.)	

**ORDER STRIKING STIPULATION OF DISMISSAL
AND DIRECTING PLAINTIFF TO SHOW CAUSE**

The parties reached a settlement in this action, which is documented in a minute order. Dkt. 61. Following settlement, Defendants filed a documented titled "Joint Stipulation of Dismissal," citing Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. Dkt. 63.

A stipulation of dismissal that complies with Rule 41(a)(1)(A)(ii) is self-executing and deprives the district court of jurisdiction when it is filed. *Jenkins v. Village of Maywood*, 506 F.3d 622, 624 (7th Cir. 2007). However, the stipulation here does not comply with Rule 41(a)(1)(A)(ii). The Rule provides for dismissal upon the filing of a stipulation "signed by all parties who have appeared." Fed. R. Civ. P. 41(a)(1)(A)(ii). Plaintiff did not sign the stipulation that has been filed with the Court. Defendants represent that the stipulation is filed "with consent of Plaintiff." Dkt. 63. But this representation does not satisfy the signature requirement, so the stipulation is not effective. Accordingly, the "Joint Stipulation of Dismissal," dkt. [63], is **STRICKEN**.

Plaintiff is **ORDERED** to show cause by **February 3, 2023**, why this action should not be dismissed with prejudice in accordance with the settlement documented in the Court's minute order dated November 17, 2022. Alternatively, Plaintiff may file a signed stipulation of dismissal in

compliance with Rule 41(a)(1)(A)(ii). Failure to comply with this deadline will result in dismissal of this action with prejudice.

SO ORDERED.

Date: 1/11/2023

A handwritten signature in blue ink that reads "James Patrick Hanlon". The signature is written in a cursive style and is positioned above a horizontal line.

James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

All ECF-registered counsel of record via email

JESSE A. LUTHER
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